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Larson & Associates, P.C.
221 East Church Street
Frederick, MD 21701-5405

EXAMINER

SKURDAL, COREY NELSON

ART UNIT PAPER NUMBER

3727

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,372

Applicant(s)

DEUTCHMAN, MURRAY L.

Examiner

Corey N. Skurdal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 26, and 45 are objected to because of the following informalities: the first line of each claim recites the phrase "to secure and transport of variety of object". The phrase should read, "to secure and transport a variety of objects". Appropriate correction is required.
2. Claims 13 and 41 are objected to because of the following informalities: claim 13 line 5 and claim 41 line 5 recite the phrase "combinations are hooks to the one or more rings". The phrase should read, "combinations are hooked to the one or more rings". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 20-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Dismuke (US 5,195,778).

Regarding claim 1, Dismuke discloses a caddy 1 for use with a mobile vehicle including a plurality of securing devices 8, and attachment devices 9 and 14.

Regarding claims 2-5, Dismuke discloses a substantially rectangular (see Figure 2) caddy material being formed largely by one piece of plastic (col. 2 line 66) material 7

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and 7'. Dismuke also discloses the caddy having additional pieces of material, more particularly, webbing 6.

Regarding claim 6, Dismuke disclose the caddy as being attached to the body of the car, as shown in Figure 1.

Regarding claim 7, Dismuke discloses the claimed attachment devices 9 wherein a first attachment part is coupled to the caddy and a second attachment part is adapted to be coupled to the vehicle, such that the caddy can be removed from the vehicle.

Regarding claim 8, Dismuke discloses attachment devices 9 being "hooks or other means of attachment such as VELCRO strips" (col. 2 lines 60-64), such that the claims are satisfied. With the hooks being hook and loop straps, the attachment device has a first part of the hook and loop attached to the caddy, and a second portion coupled to the vehicle.

Regarding claims 20-21 and 25, Dismuke discloses one vent device 6 located so as to accommodate airflow into the vehicle, the vent being a breathable material, and the located over a center portion of the vehicle body (Figure 1).

Regarding claims 22, and 23 Dismuke discloses the front vent is located between a plurality of pieces of material, the plurality of pieces being side pieces 7 and 7', and the various pockets 8. Furthermore, the main plastic material portion has a rectangular opening cut in the side portions of the material 7 and 7', the material being cut so as to form an opening for webbing material 6.

5. Claims 26, 29-30, 32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Dea (US 1,665,892).

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Regarding claim 26, O'Dea discloses a carrier for use with a mobile vehicle have a first material and second material (at the back side of receptacles 12 and 12a) attached by self-attachment devices 11 adapted to be coupled or detached by stitching or other means well know in the art, a plurality of securing devices 12 and 12a operable to secure various objects to the vehicle, and attachment devices 15 for removeable attachment of the carrier to the vehicle.

Regarding claims 29-30 and 32, O'Dea discloses side vent devices at 7b (lines 80-85), and a center vent device (between 17 and 18) in order to allow airflow while the carrier is in use on the vehicle.

Regarding claim 35, O'Dea discloses the claimed attachment devices 15 wherein a first attachment part is coupled to the caddy and a second attachment part 7a is adapted to be coupled to the vehicle, such that the caddy can be removed from the vehicle.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 9-10, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dismuke in view of Barrett (US 4,901,899).

Regarding claim 9, Dismuke discloses the invention substantially as claimed and as applied to claim 8 above, but does not have a first attachment part being a grommet

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on the caddy. However, Barrett teaches the use of grommets (68, 70, 72, 74, 76, and 78) on a carrier through which straps 80 maybe threaded. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Dismuke with first attachment members of grommets in order to provide a stronger attachment points for securing the caddy to the vehicle.

Regarding claim 10, the modified Dismuke device discloses the claimed invention wherein the second attachment member has a hooks 9 that are engaged with the caddy grommets (Barrett 68,70,72) and corresponding straps connected to the hooks.

Regarding claim 13, the modified Dismuke device discloses the claimed invention with grommets and hooks (as applied to claims 9 and 10 above) adapted to couple the caddy and vehicle, the grommets being considered as rings on the caddy.

Regarding claim 14, the modified Dismuke device discloses the claimed invention, but does not disclose the first attachment member being a "D" ring. However, Barrett also discloses use of "D" rings (60,62,64,66) for alternative uses, in particular attaching clip with hook member 59. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Dismuke with "D" rings as first attachment means in order to create multiple attachment positions on the caddy.

8. Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dismuke in view of Barrett as applied to paragraph #7 to claims 9 and 13, and in further view of Olson (US 5,290,618).

Regarding claims 11 and 15, the modified Dismuke device discloses the claimed invention but does not have second attachment members with stretch straps. However, Olson discloses a cover attached to the side of a vehicle with attachment strap 25 which is stretchable (col. 2 line 45), each end of the cable having hooks for attaching the cover to the vehicle. Therefore it would have been obvious to one skilled in the art at the time of invention to provide the modified Dismuke device with stretchable straps in order to allow the caddy to be attached to the vehicle in any assortment of locations.

Regarding claim 12, the modified Dismuke device discloses the invention but does not use "S" hooks. However, it is well known in the art to use "S" hooks in place of the stand hook used by Dismuke. Therefore it would have been obvious to one skilled in the art at the time of invention to provide the modified Dismuke device with "S" hooks in order to create multiple engagement surfaces.

9. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dismuke in view of Wheeler (US 6,109,655).

Regarding claims 16 and 17 Dismuke discloses the claimed invention as applied to claim 1, but does not have rigid members integral to the material. However, Wheeler teaches use of plastic rigid member 14 (col. 4 line 7), which is integral to the material, and creating a flat surface for the purpose of keeping the shape of the material it is attached to (col. 5 line 60). Therefore it would have been obvious to one skilled in the art at the time of invention to provide Dismuke with rigid members in order to hold the shape of side and front panels 7 and 7'.

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Regarding claim 18, the modified Dismuke device discloses the invention, in particular as having the rigid members stitched into a pocket in main material (col. 4 lines 3-7).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dismuke in view of Wheeler, as applied to claim 16 in paragraph #9, and in further view of Cambria (US 5,125,519). The modified Dismuke device discloses the claimed invention as applied to claim 16, but does not have rigid members glued to the material. However, Cambria teaches the use of strips 18, which extend across an article storage device that are glued to the material (col. 3 lines 1-4). Therefore it would have been obvious to one skilled in the art at the time of invention to provide the modified Dismuke with rigid members glue to the material in order to simplify the assembly and manufacturing process.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dismuke in view of O'Dea (US 1,665,892). Dismuke discloses the invention substantially as claimed as applied to claim 23 above, but does not disclose having a side vents cut from holes on the caddy. However, O'Dea teaches a carrier on a vehicle with carrying units on both side of the vehicle body, each with side vents formed at 7b. On the vehicle body are side vents 7b, for permitting airflow from the engine. In order to avoid blocking the flow of air on the side of the carrier, small blocks are used to allow the air to flow. The caddy of Dismuke is adapted for use with a car having front air intake and rear exhaust. As such, no side vents were provided. However, and as O'Dea teaches, it is common to also have vehicles with side exhaust vents and to not block the airflow.

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Therefore it would have been obvious to one skilled in the art at the time of invention to provide Dismuke with side air vents like the front webbing 6, in order to accommodate the airflow of a vehicle such as O'Dea discloses.

12. Claims 27, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Marshall (US 340,339).

Regarding claim 27, O'Dea discloses the invention substantially as claimed including a first and second piece of material connected by self attachment straps, but does not have the straps coupled to the carrier at one end and secured through a hole at the other end. However, Marshall teaches the use of a carrier with two carrying bags attached together by a strap L placed through a hole at K, and secured by bar M. Therefore, it would have been obvious to one skilled in the art at the time of invention to make the straps of O'Dea attachable to the one of the first or second piece of material through a corresponding hole in order to provide easy attachment and detachment of the two carriers. Therefore, the straps are coupled to the first piece of material through the hole and bar.

Regarding claims 31 and 33, the modified O'Dea device discloses the claimed invention wherein the holes formed for the self-attachment device also serve as side air vents.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Marshall, as applied to claim 27 in paragraph #12, and in further view of Wu (US 6,216,932). The modified O'Dea device discloses the claimed invention as applied to claim 27, but does not have the securing device being a hook and loop fastener on the

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strap to attach the strap to the second piece of material via the holes on the material.

However, Wu teaches the use of a strap 2 for securing a bag thereto by means of hook and loop fasteners 11 and 21 through a hole on the bag. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide the modified O'Dea device with hook and loop fasteners on the straps to thread through the holes of the first and second pieces of material as set forth above, in order to provide a quick and easy attachment device.

14. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Bartlett (US 1,839,862). O'Dea discloses the invention substantially as claimed but does not explicitly state use of a breathable material. However, Bartlett teaches the use of canvas (pg 2 lines 38-42) material for a carrier on a vehicle. Therefore it would have been obvious to one skilled in the art at the time of invention to make the carrier of O'Dea from a canvas material. As canvas is a woven material, it is considered to be 'breathable' and therefore to satisfy the claims.

15. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Dismuke. O'Dea discloses the invention substantially as claimed, and as applied to claim 35, but does not have first and second attachment parts being hook and loop portions. However, Dismuke discloses attachment devices 9, for connecting an article to a vehicle, being "hooks or other means of attachment such as VELCRO strips" (col. 2 lines 60-64), such that the claims are satisfied. With the hooks being hook and loop straps, the attachment device has a first part of the hook and loop attached to the caddy, and a second portion coupled to the vehicle. Therefore, it would have been

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obvious to one skilled in the art at the time of invention to have used hook and loop attachment devices with O'Dea in place of the "snap buckles" (line 69) in order to provide an easier method of attachment.

16. Claims 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Jones (US 4,491,258).

Regarding claims 37-40 O'Dea discloses the invention substantially as claimed but does not have first attachment parts being grommets and second attachment parts having elastic straps with S-hooks. However, Jones teaches the use of grommets 33b on a carrier through which bungee straps 37 with S-hooks 37b are threaded for attachment to a vehicle (see Jones Figure 10). Therefore it would have been obvious to one skilled in the art at the time of invention to provide O'Dea with first attachment members of grommets, and second attachment members with elastic straps and S-hooks in order to provide stronger and versatile attachment points for securing the caddy to the vehicle.

Regarding claims 41-43, the O'Dea discloses the claimed invention but does not have first attachment D-rings and second elastic attachment straps with hooks. However, Jones also teaches the use of D-rings 33e in combination with elastic straps 37 and hooks 37b for attaching the carrier to a vehicle. Therefore it would have been obvious to one skilled in the art at the time of invention to provide O'Dea with first attachment members of D-rings, and second attachment members with elastic straps and hooks in order to provide alternate attachment points for securing the caddy to the vehicle.

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17. Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Jackson (US 4,580,706). O'Dea discloses the invention substantially as claimed, and as applied to claims 26, and 29-30, but does not have rigid members integral to the material. However, Jackson discloses a similar carrier to that of O'Dea with rigid members 44 which reinforce the backside material and make the carrier back generally flat. Therefore it would have been obvious to one skilled in the art at the time of invention to provide O'Dea with the rigid members of Jackson in order to create a generally flat backing, as well as additional mounting and attachment methods.

Regarding claim 46, the modified O'Dea device discloses the claimed invention with side vents positioned over side portions of the vehicle (see O'Dea Figure 1) and a center vent formed between the first and second material 12 and 12a.

18. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Jackson and in further view of Bartlett (US 1,839,862). The modified device of O'Dea discloses the invention substantially as claimed but does not explicitly state use of a breathable material. However, Bartlett teaches the use of canvas (pg 2 lines 38-42) material for a carrier on a vehicle. Therefore it would have been obvious to one skilled in the art at the time of invention to make the carrier of O'Dea from a canvas material. As canvas is a woven material, it is considered to be 'breathable' and therefore to satisfy the claims.

19. Claims 47 and 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Jackson and in further view of Marshall (US 340,339).

Regarding claim 49, the modified device of O'Dea discloses the invention substantially as claimed including a first and second piece of material connected by self attachment straps, but does not have the straps coupled to the carrier at one end and secured through a hole at the other end. However, Marshall teaches the use of a carrier with two carrying bags attached together by a strap L placed through a hole at K, and secured by bar M. Therefore, it would have been obvious to one skilled in the art at the time of invention to make the straps of the modified O'Dea device attachable to the one of the first or second materials through a corresponding hole in order to provide easy attachment and detachment of the two carriers.

Regarding claim 47, the modified O'Dea device discloses the claimed invention wherein the holes formed for the self-attachment device also serve as side air vents.

20. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dea in view of Jackson and in further view of Marshall and Wu. The modified O'Dea device discloses the claimed invention as applied to claim 49, but does not have the securing device being a hook and loop fastener on the strap. However, Wu teaches the use of a strap 2 for securing a bag by means of hook and loop fasteners 11 and 21. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide the modified O'Dea device with hook and loop fasteners on the straps in order to provide a quick and easy attachment device.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dillon (US 5,849,390) discloses a fender cover with pockets. Tall (US 5,458,945) discloses a front engine cover with front and side air vents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER